

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

JENNIFER M. PROBST, individually and as  
representative of a class of participants and  
beneficiaries of The Lilly Employee 401(k) Plan,

Plaintiff,

v.

ELI LILLY AND COMPANY,

and

BOARD OF DIRECTORS OF ELI LILLY  
AND COMPANY,

and

ELI LILLY AND COMPANY EMPLOYEE  
BENEFIT COMMITTEE

and

ELI LILLY AND COMPANY FUND  
ADVISORY COMMITTEE,

Defendants.

Case No. 1:22-cv-1106-JMS-MKK

**DEFENDANTS' MOTION FOR ATTORNEYS' FEES AND COSTS**

Defendants Eli Lilly and Company, its Board of Directors, its Employee Benefits Committee, and its Fund Advisory Committee hereby move pursuant to 29 U.S.C. § 1132(g)(1) and LR 54-1 to recover a portion of their attorneys' fees and costs. The basis for this motion is set forth in the supporting memorandum and the accompanying exhibits. LR 7-1(g)(1)(A) does not apply because this is a post-judgment motion for attorneys' fees.

WHEREFORE, Defendants respectfully request that this Court grant their motion for attorneys' fees and costs and award them \$86,000 in fees, as well as any other appropriate relief.

Dated: February 21, 2023

Respectfully submitted,

By: /s/ Mark B. Blocker

Mark B. Blocker (admitted *pro hac vice*)  
Eric S. Mattson (admitted *pro hac vice*)  
Sidley Austin LLP  
One South Dearborn St.  
Chicago, Illinois 60603  
Telephone: (312) 853-7000  
Fax: (312) 853-7036  
mblocker@sidley.com  
emattson@sidley.com

Christopher J. Bayh (No. 31880-29)  
Barnes & Thornburg LLP  
11 S. Meridian Street  
Indianapolis, IN 46204-3535  
Telephone: (317) 231-7449  
Fax: (317) 231-7433  
chris.bayh@btlaw.com

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 21, 2023, the foregoing Defendants' Motion for Attorneys' Fees and Costs was filed via the Court's CM/ECF system, which will send notification to all counsel of record.

/s/ Mark B. Blocker  
Mark B. Blocker